

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

1) MICHAEL DALE MALLETT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-09-
	)	
1) JEFFREY PAUL TAYLOR, an individual,	)	
2) THE UNITED STATES OF AMERICA, and	)	
3) THE UNITED STATES POSTAL SERVICE,	)	
	)	
Defendants.	)	

**COMPLAINT**

COMES NOW Michael Dale Mallett, and for his cause of action against Jeffrey Paul Taylor, the United States of America and the United States Postal Service, hereby alleges and states as follows:

1. Plaintiff is and was at all times pertinent to this action a resident of Guthrie, Logan County, Oklahoma.

2. Defendant Taylor is and was at all times pertinent to this action a resident of Guthrie, Logan County, Oklahoma.

3. That the accident giving rise to this cause of action occurred in Logan County, State of Oklahoma.

4. That at all times pertinent to this action, Defendant Taylor was acting within the scope of his employment with the United States Postal Service and the United States of America.

5. That due to the fact that Defendant Taylor was acting within the scope of his employment with the United States Postal Service, jurisdiction and venue are proper herein pursuant to 28 U.S.C. §2675, 2679, et seq..

6. That formal, written notice of the claim was submitted to the United States of America and the United States Postal Service on or about August 11, 2008, as part of his administrative claim pursuant to the Federal Tort Claims Act, 28 U.S.C. §2675(a).

7. That more than six months has passed since the Defendants were given written notice of the claim under the Federal Tort Claims Act governmental tort claim act, but the claim has not been resolved and, under the law, has been deemed denied pursuant to the Act.

8. That this case had been previously filed and removed to this court by the Defendant United States of America, bearing Case Number CIV-08-885-C. The case was dismissed on September 24, 2008, without prejudice due to Plaintiff not having exhausted his remedies under the Federal Tort Claim Act.

9. That on May 5, 2008, the parties were involved in an accident near the intersection of Cleveland and 14<sup>th</sup> Street in Guthrie, Oklahoma.

10. That the accident in question was caused by the negligence of Defendant Taylor in failing to maintain control of his vehicle when he went left of center and into Plaintiff's lane of travel.

11. That the accident in question was caused by the negligence of the Defendants by failing to maintain control of his vehicle when he entered the other lane of travel, which was Plaintiff's proper lane of travel.

12. That the accident in question was caused by the negligence of the Defendants.

13. That as result of the accident, Plaintiff has suffered personal injuries and will incur future pain and suffering, as well as lost wages for both the past and future.

14. That as a result of the accident, Plaintiff has suffered property damage to his vehicle.

WHEREFORE, Plaintiff now prays that judgement be rendered on his behalf and against Defendants, and that Plaintiff be awarded a sum in excess of \$75,000 as and for actual damages, plus all costs incurred in connection with the prosecution of this action, together with a reasonable attorneys fee and all other relief this Court deems just and proper.

*s/David B. Donchin*

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**JURY TRIAL DEMANDED**  
**ATTORNEY'S LIEN CLAIMED**